

---

REMARKS

In response to the restriction requirement the Applicant hereby elects Group I containing method claims 1, 2, 4-12, 15-21, 23-30, 32-35 and 40. This election is made without traverse.

In response to the species election requirement the Applicant hereby provisionally elects the species of claim 32. This provisional election is made with traverse because claims 32 and 33 are not mutually exclusive. A method may involve characterizing tissue so as to both indicate whether tissue is likely affected by melanoma and whether the tissue is likely compound nevus tissue. Further, claims 32 and 33 both recite the same Raman peaks and therefore do not present an undue search burden. Claims 6 and 7 also respectively recite one of the same Raman peaks recited in the alternative in claims 32 and 33. Consequently examining claims 6 and 7 together with claims 32 and 33 would not present an undue search burden. Applicant also notes that claim 8 is generic to claim 7 since the range recited in claim 8 encompasses the Raman shift recited in claim 7.

Claims 41, 44 and 45 are cancelled. A new dependent method claim 48 is added. New apparatus claims 49 to 51, which are submitted to be proper for examination together with the Group I claims, have been added.

Conclusion

The Applicant submits that the foregoing amendments and remarks address every issue raised in the Office Action and that all pending claims of this application are now in condition for allowance. Favorable consideration this application is respectfully requested.

Respectfully submitted,

By: /JeffreyWRobinson/  
Jeffrey W. Robinson  
Registration No. 68359  
tel: 604.669.3432 ext. 8964  
fax: 604.681.4081  
e-mail: jrobinson@patentable.com